



THE AIR REGULATIONS

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PART I

GENERAL

SHORT TITLE

40. These regulations may be cited as the Air Regulations, 1934.

THE AIR REGULATIONS

PART I

SHORT TITLE, INTERPRETATION AND APPLICATION

PART I

GENERAL

SHORT TITLE

100. These regulations may be cited as the *Air Regulations*.

INTERPRETATION

101. In these regulations,

- (1) "acrobatic flight" means manœuvres intentionally performed by an aircraft, involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;
- (2) "aerodrome" means a defined area of land or water used or intended to be used either wholly or in part for the arrival, departure, movement or servicing of aircraft, (including any buildings, installations and equipment in connection therewith);
- (3) "aeroplane" means a power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (4) "aircraft" means any machine capable of deriving support in the atmosphere from the reactions of the air;
- (5) "aircraft accident" means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which
 - (a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or
 - (b) the aircraft receives substantial damage or is destroyed;

- (6) "airport" means aerodrome for which, under Part III, an airport licence has been issued by the Minister;
- (7) "airport traffic" means all traffic on the manœuvring area of an airport and all aircraft flying in the vicinity of an airport;
- (8) "airship" means a power-driven lighter-than-air aircraft;
- (9) "air traffic" means all aircraft in flight and aircraft operating on the manœuvring area of an aerodrome;
- (10) "air traffic control clearance" means authorization by an air traffic control unit for an aircraft to proceed under specified conditions;
- (11) "air traffic control service" means a service as specified in Part VI, provided for the purpose of
 - (a) preventing collisions
 - (i) between aircraft; and
 - (ii) on the manœuvring area between aircraft and obstructions, and
 - (b) expediting and maintaining an orderly flow of air traffic;
- (12) "air traffic control unit" means
 - (a) an area control centre established to provide air traffic control service to IFR flights;
 - (b) an approach control tower unit established to provide air traffic control service to IFR flights arriving at, or departing from, one or more airports; or
 - (c) an airport control tower unit established to provide air traffic control service to airport traffic;as the circumstances require;
- (13) "alternate airport" means an aerodrome specified in a flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable;
- (14) "balloon" means a motorless lighter-than-air aircraft;

- (15) "Canadian aircraft" means an aircraft registered in Canada under Part II;
- (16) "ceiling" means the lowest height at which a broken or overcast condition exists, or the vertical visibility when an obscured condition such as snow, smoke or fog exists, whichever is the lower;
- (17) "certificate of airworthiness" means a conditional certificate of fitness for flight issued in respect of a particular aircraft under Part II of these regulations or under the laws of the state in which the aircraft is registered;
- (18) "civil aircraft" means any aircraft other than a military aircraft;
- (19) "commercial aircraft" means an aircraft operated or available for operation for hire or reward;
- (20) "commercial air service" means any use of aircraft for hire or reward;
- (21) "contracting state" means a state that is a party to the Convention;
- (22) "control area" means a controlled airspace extending upwards vertically from a specified height above the surface of the earth;
- (23) "controlled airport" means an airport at which an air traffic control unit is provided;
- (24) "controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided;
- (25) "control zone" means a controlled airspace extending upwards vertically from the surface of the earth;
- (26) "Convention" means the Convention on International Civil Aviation signed on behalf of Canada at Chicago on the seventh day of December, 1944;
- (27) "critical engine" means the engine the failure of which gives the most adverse effect on the aircraft characteristics relative to the aircraft under consideration;
- (28) "cruising altitude" means an altitude, as shown by a constant altimeter indication in relation to a

- fixed and defined datum, maintained during a flight or portion thereof;
- (29) "flight crew member" means a crew member acting as pilot-in-command, co-pilot, flight navigator, or flight engineer of an aircraft during flight time;
 - (30) "flight notification" means specified information submitted in accordance with section 534, relative to the intended flight of an aircraft;
 - (30A) "flight permit" means a permit issued pursuant to section 211;
 - (31) "flight plan" means specified information submitted in accordance with section 534 or 551, relative to the intended flight of an aircraft;
 - (32) "flight time" means the total time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;
 - (33) "flight visibility" means the average range of visibility at any given time forward from the cockpit of an aircraft in flight;
 - (34) "glider" means a motorless heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
 - (35) "ground visibility" means the visibility at an airport, as reported by an observer accredited by the Minister for the purpose;
 - (36) "heavier-than-air aircraft" means any aircraft deriving its lift in flight from aerodynamic forces;
 - (37) "helicopter" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes;
 - (38) "instrument flight rules" means the rules set forth in Part V of these regulations and the orders and directions made by the Minister thereunder;
 - (39) "IFR" means the instrument flight rules;
 - (40) "IFR weather conditions" means weather conditions below the minimum prescribed for flights under visual flight rules (VFR);

- (41) "IFR flight" means a flight conducted in accordance with the instrument flight rules;
- (42) "issue", in relation to any document, includes any renewal, endorsement or validation thereof as provided in these regulations, and "issued" has a corresponding meaning;
- (43) "landing", in relation to an aircraft, means the act of coming into contact with a supporting surface, and includes the immediately preceding and following acts, and in relation to an airship or free balloon means the act of bringing the airship or balloon under restraint, and includes the immediately preceding and following acts;
- (44) "lighter-than-air aircraft" means any aircraft supported by its buoyancy in the air;
- (45) "magnetic track" means the angle measured clockwise from magnetic North to the path followed by an aircraft over the earth;
- (46) "making way" means the state of being under way on surface of the water and having a velocity relative to such surface;
- (47) "manœuvring area" means that part of an airport ordinarily used for the taking off and landing of aircraft and for the movement of aircraft associated with take-off and landing;
- (48) "Minister" means the Minister as defined in the *Aeronautics Act*;
- (49) "night", within Canada, means the period of time between the end of Evening Civil Twilight and the beginning of Morning Civil Twilight, but commencing not less than one-half hour after sunset and ending not less than one-half hour before sunrise;
- (50) "operator", with reference to an aircraft, means the person in possession of the aircraft, whether as owner, lessee, hirer, or otherwise; and with reference to an airport, means the holder of the airport licence, or the person in charge of such airport, whether as employee, agent or representative of the holder of such licence;

- (51) "overtaking aircraft" means an aircraft that is approaching another from the rear on a line forming an angle of less than 70° with the plane of symmetry of the latter; i.e. is in such a position with reference to the other aircraft that at night it is not ordinarily possible to see either of the aircraft's forward lights;
- (52) "owner", with reference to an aircraft, includes:
- (a) the person in whose name the aircraft is registered,
 - (b) a person in possession of the aircraft as purchaser under a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or the performance of certain conditions,
 - (c) a person in possession of the aircraft as chattel mortgagor under a chattel mortgage, and
 - (d) a person in possession of the aircraft under a *bona-fide* lease or agreement of hire;
- (53) "pilot-in-command" means the pilot responsible for the operation and safety of the aircraft during flight time;
- (54) "private aircraft" means a civil aircraft other than a commercial aircraft or a state aircraft;
- (55) "state aircraft" means a civil aircraft owned by and exclusively used in the service of Her Majesty in right of Canada or in right of any province;
- (56) "taking off", in relation to an aircraft, means the act of abandoning a supporting surface and includes the immediately preceding and following acts, and in relation to an airship or balloon means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts;
- (56A) "ultra-light aircraft" means an aircraft designated as such pursuant to subsection (3) of section 211;
- (57) "under control" means the state of being manoeuvrable in accordance with these regulations or the regulations under the *Canada Shipping Act* for preventing collisions at sea;

- (58) "under way" means the state of being on the surface of the water but not moored or fastened to any fixed object on the land or in the water;
- (59) "VFR" means the visual flight rules;
- (60) "VFR flight" means a flight conducted in accordance with the visual flight rules, and "special VFR flight" means a flight conducted in accordance with directions issued by the Minister under section 503;
- (61) "VFR weather conditions" means weather conditions equal to or above the minima prescribed for flight under the visual flight rules;
- (62) "visibility" means the distance at which prominent unlighted objects may be identified by day and prominent lighted objects may be identified by night; and
- (63) "visual flight rules" means the rules set forth in Part V of these regulations and the orders and directions made by the Minister thereunder.

Application

102. (1) Except as provided in this Part, these regulations apply in respect of all aircraft in Canada and all Canadian aircraft when flown outside of Canada.

(2) These regulations do not apply in respect of

(a) a military aircraft of Her Majesty when manoeuvring under the authority of the Minister of National Defence, or

(b) military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these regulations.

(3) These regulations do not apply in respect of Canadian aircraft when flown within or over the territory of a country other than Canada, insofar as they are inconsistent with or repugnant to the laws and procedures of such other country.

(4) The Minister may exempt any person, aircraft or aerodrome in whole or in part from the application of these regulations or any portion thereof.

103. For the purposes of these regulations a state aircraft shall be deemed to be a commercial aircraft.

THE AIR REGULATIONS

PART II

DIVISION I Aircraft Registration

DIVISION II Aircraft Airworthiness

DIVISION III Nationality and Registration Marks

PART II**REGISTRATION, CERTIFICATION AND MARKING****DIVISION I****AIRCRAFT REGISTRATION**

200. No person shall fly an aircraft in Canada unless it is registered

- (a) under this Part, or
- (b) under the laws of a contracting state or a state that is a party to an agreement entered into with Canada relating to interstate flying.

201. The Minister shall cause a register of aircraft to be maintained in which shall be entered the names of the owner or owners of every aircraft registered under this Part and such other particulars concerning the aircraft as the Minister directs.

202. Subject to this Part, the Minister may direct that no aircraft shall be registered under this Part except upon application for registration of the aircraft in such form as may be prescribed by the Minister and except upon such terms and conditions as may be prescribed by him.

203. The Minister may, subject to this Part, register any aircraft under this Part as a commercial aircraft, private aircraft or state aircraft.

204. (1) No aircraft shall be registered under this Part unless,

- (a) it is a state aircraft or is owned exclusively by a person qualified under subsection (2) to be the registered owner of a Canadian aircraft;
- (b) there is in force in respect of the aircraft a certificate of airworthiness or a flight permit issued under this Part;
- (c) all duties due and payable under the laws of Canada in respect of the importation of the aircraft into Canada have been paid; and

- (d) the aircraft is not registered elsewhere than in Canada.
- (2) For the purpose of paragraph (a) of subsection (1), a person is qualified to be the registered owner of a Canadian aircraft who is
 - (a) a Canadian citizen,
 - (b) a person lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years,
 - (c) a corporation incorporated under the laws of Canada or any province, the chairman or acting chairman and at least two-thirds of the directors of which are Canadian citizens and at least three-fourths of the shares of which (having full voting rights under all circumstances) belong to
 - (i) Canadian citizens, or
 - (ii) a corporation other than a corporation controlled directly or indirectly by citizens or subjects of a country other than Canada, or
 - (d) in the case of a private aircraft,
 - (i) a citizen or subject of a contracting state, or
 - (ii) a corporation incorporated under the laws of Canada or a province.

205. Notwithstanding anything in this Part, an aircraft that is the subject of

- (a) a chattel mortgage, or
- (b) a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment in full of the purchase price or the satisfaction of some other condition

may be registered in the name of the mortgagor or purchaser as owner of the aircraft if such mortgagor or purchaser is qualified under section 204 to be the registered owner of a Canadian aircraft and the Minister is satisfied that it is in the public interest so to do.

206. Upon the registration of an aircraft under this Part a registration mark and certificate of registration shall be issued and delivered to the owner as prescribed by the Minister.

207. (1) Where any Canadian aircraft is destroyed or permanently withdrawn from use, the registered owner of the aircraft shall forthwith so notify the Minister in writing and the registration and certificate of registration of the aircraft shall be deemed to have been cancelled as of the date of such notification.

(2) Where the ownership of a Canadian aircraft is changed, the registered owner of the aircraft shall forthwith so notify the Minister in writing and the registration and certificate of registration shall be deemed to have been cancelled as of the date of such change of ownership, but the nationality and registration marks shall not be altered unless the aircraft is subsequently registered in a country other than Canada.

(3) The Minister may at any time cancel the registration of any aircraft under this Part.

208. Where a Canadian aircraft that is a private aircraft is owned by any person other than a Canadian citizen or a corporation mentioned in paragraph (c) of subsection (2) of section 204, no person shall

- (a) operate the aircraft from a base outside Canada for an aggregate period of more than six months in any period of twelve months; or
- (b) fly the aircraft in any country other than Canada or the country of which the registered owner is a citizen or subject.

209. (1) No person shall operate any aircraft in Canada for an aggregate period of more than six months in any 12-month period unless it is registered

- (a) under this Part, or
- (b) under the laws of the contracting state that grants reciprocal privileges under like terms and conditions in respect of aircraft registered under this Part.

(2) No person shall use an aircraft in a commercial air service that is operated wholly within Canada unless the aircraft is registered

- (a) under this Part as a commercial aircraft, or
- (b) in a contracting state and special permission has been granted by the Minister to use the aircraft for that purpose.

DIVISION II

AIRCRAFT AIRWORTHINESS

210. No person shall fly or attempt to fly an aircraft unless there is in force in respect of the aircraft a certificate of airworthiness issued under this Part or under the laws of the country in which the aircraft is registered or a flight permit issued under this Part, and unless all conditions upon which the certificate or permit was issued have been complied with.

211. (1) The Minister may establish standards of airworthiness for aircraft, including requirements in respect of the design, construction, weight, instruments and equipment of the aircraft and any other matter relating to the safety of such aircraft.

(2) The Minister, upon being satisfied that an aircraft conforms to the standards of airworthiness established in respect of that aircraft, may issue a certificate, to be known as a certificate of airworthiness, in a form prescribed by the Minister, and may renew an existing certificate of airworthiness by an endorsement thereon.

(3) The Minister may designate any aeroplane or fixed wing glider as an ultra-light aircraft when, by reason of its low weight or low wing loading and its particular design, it is not practicable to prescribe standards of airworthiness for it.

(4) The Minister may issue in respect of an ultra-light aircraft or a private aircraft a permit (to be known as a flight permit) in a form prescribed by the Minister,

and may make directions concerning equipment, weight, instruments and any other matters relating to the operation of such aircraft.

(5) The Minister may issue in respect of an aircraft a permit (to be known as a flight permit) in a form prescribed by the Minister, in any case where the aircraft is to be operated for purposes of experiment, test, demonstration or other special flight.

(6) A certificate of airworthiness or flight permit issued under this Part shall contain such conditions relating to the equipment, maintenance and operation of the aircraft as may be prescribed by the Minister, and the conditions so prescribed may be amended at any time by the Minister.

(7) The Minister may at any time inspect or cause to be inspected any aircraft in respect of which a certificate of airworthiness or a flight permit has been issued under this Part.

212. The Minister may, if he has reason to believe that an aircraft is unsafe for flying, suspend the certificate of airworthiness or flight permit issued in respect of that aircraft.

213. The Minister may cancel or suspend a certificate of airworthiness or a flight permit at any time when, in his opinion, such cancellation or suspension is necessary or advisable having regard to the safety of aerial navigation.

214. An aircraft type approval may be issued by the Minister in respect of any type of aircraft that in his opinion complies with standards of airworthiness approved or established by the Minister.

215. The Minister may make directions with respect to the times when a certificate of airworthiness is in force.

216. The Minister may prescribe such additional requirements in respect of the equipment and maintenance of any aircraft as he considers necessary by reason of the conditions under which the aircraft is operated.

217. No person shall fly or attempt to fly any aircraft unless

- (a) the weight of the aircraft and its load does not exceed the maximum permissible weight specified in the certificate of airworthiness;
- (b) the load is properly disposed of in accordance with the conditions of the certificate of airworthiness;
- (c) the equipment and any cargo carried are secured so as to prevent shifting in flight and are not so placed as to block or restrict the exit of passengers in an emergency;
- (d) the required emergency equipment is carried on board and is in good condition; and
- (e) the aircraft is safe and fit in all respects for the intended flight.

DIVISION III

NATIONALITY AND REGISTRATION MARKS

218. (1) No person shall fly or attempt to fly an aircraft unless its nationality and registration marks are painted on or affixed to the aircraft in the manner prescribed by the laws of the state in which the aircraft is registered, and are clean and visible.

(2) The nationality and registration marks of a Canadian aircraft shall be painted on or affixed to the aircraft as may be directed by the Minister.

219. Every aircraft shall carry a fireproof identification plate inscribed with its nationality and registration marks, which plate shall be secured in a prominent position near the main entrance to the aircraft.

220. The nationality mark of a Canadian aircraft shall be a combination of two capital letters, and the registration mark shall be a combination of three capital letters, as specified by the Minister.

PART III

AERODROMES

201. The owner of land or water shall be held as an airport if a landing ground is used as such or provided in this Part.

202. The Minister may issue in respect of any aerodrome such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome, and may also issue such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome.

THE AIR REGULATIONS

203. Subject to the provisions of this Part, the Minister may make such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome, and may also issue such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome.

PART III

204. Subject to the provisions of this Part, the Minister may make such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome, and may also issue such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome.

AERODROMES

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207. The Minister may issue in respect of any aerodrome such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome, and may also issue such regulations as he thinks fit for the purpose of securing the safety of aircraft and the persons and property on or near the aerodrome.

208. An airport licence is not valid after fourteen days from the date of any change in the ownership of the airport in respect of which it was issued, unless sooner renewed by the Minister.

209. No person shall knowingly use any airport for any purpose contrary to the conditions of issue of the airport licence.

PART III**AERODROMES**

300. No area of land or water shall be used as an airport unless it has been licensed as such as provided in this Part.

301. The Minister may issue in respect of any aerodrome that contains such installations and equipment for the arrival, departure, movement or servicing of aircraft as are specified by him, a licence, to be known as an airport licence, entitling the person named therein to operate the aerodrome as an airport.

302. Every airport licence shall be in such form as the Minister prescribes and shall contain such conditions relating to the installation, equipment, maintenance, lighting, marking, use and operation of the airport as the Minister deems necessary, and the conditions so contained in the licence may be amended at any time by the Minister.

303. Subject to these regulations, the Minister may prescribe the conditions upon which airport licences may be issued and the form of applications for airport licences.

304. The Minister may cancel or suspend an airport licence at any time for any reason that to him seems sufficient.

305. The holder of an airport licence shall

- (a) comply with all conditions of issue of such licence; and
- (b) keep the licence and a copy of the tariff of fees prescribed or approved for the airport displayed in a prominent place at the airport;

306. An airport licence is not valid after fourteen days from the date of any change in the ownership of the airport in respect of which it was issued, unless sooner renewed by the Minister.

307. No person shall knowingly use any airport for any purpose contrary to the conditions of issue of the airport licence.

308. State aircraft shall be permitted the use of any airport and its facilities at all reasonable times, subject to the conditions of issue of the airport licence.

309. As soon as possible after landing at any airport, the pilot-in-command of the aircraft shall report or cause to be reported the fact of such landing to the operator of the airport or his accredited representative.

310. Every airport and all aircraft using the airport are subject at all times to inspection by the Minister or any person thereto authorized by him, but no building used exclusively for purposes relating to the construction or design of aircraft or aircraft equipment is subject to inspection by any such person except upon the written order of the Minister.

311. The Minister may make directions

- (a) prescribing the marks and lights to be displayed by day and by night at any aerodrome;
- (b) prescribing or approving the fees that may be charged for the use of any airport or its facilities; and
- (c) prescribing such other conditions as he deems necessary respecting the operation of any aerodrome.

312. During daytime periods of poor visibility, lights used for the night lighting of aerodromes shall be operated whenever possible and insofar as may be necessary under the circumstances.

313. No person shall

- (a) walk or stand, or drive or park any vehicle, on any part of an airport used for the movement of aircraft except in accordance with permission given by the appropriate air traffic control unit or, in the absence of any such unit, by the operator of the airport;
- (b) operate any vessel on or cause any floating or other obstruction on the surface of any part of the water area of an airport that is necessary for the safe and proper navigation of aircraft to be kept clear of obstructions, when warned off, by signal or otherwise, by the appropriate air traffic control unit or other person as provided in paragraph (a);

- (c) mark or display at any place other than an aerodrome any mark, light or signal calculated or likely to induce any person to believe that the place is an aerodrome;
- (d) exhibit at or in the vicinity of an aerodrome any light or signal which may endanger the safety of aircraft by reason of glare or by causing confusion with or preventing clear visual reception of any light or signal prescribed by these regulations;
- (e) knowingly remove, deface, extinguish or interfere with any light or signal used for the purpose of air navigation;
- (f) allow any animal that is owned by him or is in his custody or control to run at large within the boundaries of an airport or an aerodrome; or
- (g) discharge any firearm within or into the boundaries of an airport or an aerodrome without the permission of the operator of the airport or the aerodrome.

314. The operator of an airport may remove or cause to be removed from the water surface of the airport any logs or any other floating obstruction or obstacle that, in his opinion, constitutes a menace to the safe operation of aircraft at or in the vicinity of the airport, and may convey or cause to be conveyed such logs or other thing causing or forming part of such obstruction or obstacle to such convenient place as he deems suitable and proper.

315. The use of any licensed or unlicensed area for landing or taking off an aircraft is *prima facie* proof of the acceptance by the pilot-in-command of the aircraft of the suitability of that area for the intended operation.

PART IV

PERSONNEL LICENSING

400. Except as provided in this Part, no person shall fly or attempt to fly as a flight crew member of an aircraft unless he is the holder of a valid and subsisting licence or permit appropriate to his duties, issued under this Part.

401. Except as otherwise directed by the Minister, a person is entitled to fly as a flight crew member of an aircraft registered in a contracting state if he is the holder of a licence or permit appropriate to his duties issued or validated under the laws of that state.

402. The Minister may direct that no person shall perform or attempt to perform duties, other than duties of a flight crew member, of a kind specified by the Minister, that affect or may affect the safety of any aircraft, unless that person is the holder of a licence appropriate to his duties, issued under this Part.

403. The Minister may make directions specifying

- (a) the various classes of licences and permits that may be issued under this Part;
- (b) the duties and functions that may be carried out by the holder of a licence or permit of any class;
- (c) the kinds of aircraft and the types of aircraft operations in which the privileges attaching to licences or permits of flight crew members may be exercised;
- (d) the qualifications as to age, physical conditions, knowledge, experience and skill of persons to whom licences or permits may be issued under this Part;
- (e) the nature of the examinations or tests to be undergone and information to be submitted by any person applying to have a licence or permit issued, renewed or validated or to have the conditions or privileges of a licence or permit varied; and
- (f) such other conditions and limitations as the Minister deems advisable affecting the privileges attaching to licences or permits issued under this Part.

404. The Minister may, upon being satisfied as to the qualifications of any applicant,

- (a) issue to the applicant a licence or permit appropriate to his qualifications, in a form prescribed by the Minister;
- (b) issue to the applicant a document, in a form prescribed by the Minister, validating in Canada any licence appropriate to the qualifications of the applicant, held by the applicant under the laws of a contracting state or country that is a party to an agreement entered into with Canada relating to interstate flying; or
- (c) enter on any licence or permit held by the applicant an endorsement extending to the applicant the privilege of performing additional duties or functions appropriate to his qualifications.

405. No licence or permit shall be issued to a person and no licence held by a person shall be validated under this Part unless that person is

- (a) a Canadian citizen;
- (b) a person lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years; or
- (c) a citizen or subject of a contracting state that grants like privileges to Canadian citizens on equal terms and conditions as citizens or subjects of that state.

406. A licence, permit or document validating any licence issued under this Part may contain such conditions as the Minister prescribes, and the conditions may be amended at any time by the Minister.

407. The Minister may at any time for any reason that to him seems sufficient cancel or suspend a licence, permit or document validating any licence issued under this Part.

408. No person shall fly or attempt to fly as a flight crew member of an aircraft, or otherwise act or attempt to

act in the capacity in which a licence issued or validated under this Part entitles him to act,

- (a) if he is aware of being under any physical disability that might render him unable to meet the requirements as to physical condition for the issue or renewal of the licence;
- (b) while his ability so to act is impaired by alcohol or a drug;
- (c) during any period for which his licence or the document validating his licence has been suspended; or
- (d) after his licence or the document validating his licence has been cancelled or has expired.

THE AIR REGULATIONS

PART V

DIVISION I Application, High Seas

DIVISION II General Rules

DIVISION III Visual Flight Rules (VFR)

DIVISION IV Instrument Flight Rules (IFR)

DIVISION V Lights and Visual Signals

PART V**RULES OF THE AIR****DIVISION I**

500. All Canadian aircraft in flight over the high seas shall comply with the Rules of the Air contained in Annex 2 to the Convention as amended from time to time.

DIVISION II**GENERAL RULES**

501. The pilot-in-command of an aircraft, prior to the commencement of any flight, shall ascertain whether the conditions of flight are such as to enable the flight to be conducted in accordance with the visual flight rules.

502. In any case where the pilot-in-command of an aircraft ascertains that the conditions of flight are not such as to enable the flight to be conducted in accordance with the visual flight rules, the flight shall be conducted in accordance with the instrument flight rules.

503. When so directed by the Minister, visual flights may be conducted within control zones under IFR weather conditions without complying with the instrument flight rules.

504. Prior to the commencement of any flight the pilot-in-command of an aircraft shall familiarize himself with all available information appropriate to the intended flight.

505. The pilot-in-command of an aircraft shall comply with all air traffic control clearances or instructions received by him.

506. When so directed by the Minister, aircraft flown at night within controlled airspace shall comply with the instrument flight rules.

507. No person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.

508. (1) Subject to this section, the Minister may make directions prohibiting or restricting the navigation of aircraft over such areas as are specified by the Minister, either absolutely or subject to such exceptions or conditions as may be specified by him.

(2) No aircraft shall be flown over

(a) any penitentiary, as defined in the *Penitentiary Act*, or

(b) any area specified by direction of the Minister as an area over which the navigation of aircraft is prohibited,

or so near thereto that the angle between the perpendicular and a line from the aircraft to the nearest point of such area is less than twenty degrees, except with the permission of the Minister and subject to such terms and conditions as may be specified by the Minister.

509. No object shall be towed by any aircraft, except in accordance with such conditions as may be specified by the Minister.

510. Parachute descents, other than emergency descents, shall not be made in controlled airspace except in accordance with the written authorization of the Minister.

511. No person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent, or give upon any aircraft in flight any gymnastic or other like exhibition.

512. No aircraft shall be flown in any acrobatic flight

(a) so as to endanger or be likely to endanger air traffic in the vicinity of the aircraft;

(b) over any urban or other populous area; or

(c) within any airway or air route designated as such by the Minister.

513. No aircraft shall be flown in any acrobatic flight or exhibition flight over any assembly of persons except in accordance with the written authorization of the Minister.

514. No person in any aircraft shall execute any acrobatic flying unless he is the sole occupant of the aircraft

or is a flying instructor authorized in accordance with these regulations to engage in giving dual flying instructions.

515. No aircraft shall be operated in such a negligent or reckless manner as to endanger or be likely to endanger the life or property of any person.

516. The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome shall

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
- (c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise directed by the Minister, except that an air traffic control unit may authorize a turn or partial turn to the right when desirable in specific instances;
- (d) land and take off, insofar as practicable into the wind unless otherwise authorized by the appropriate air traffic control unit;
- (e) maintain a continuous watch on the radio frequencies designated for airport control communications or, if such continuous watch is not possible, keep a watch for such instructions as may be issued by visual means in any case where an air traffic control unit is in operation; and
- (f) obtain, either by radio or by visual signal, such authorization for his movements from the appropriate air traffic control unit, if any such unit is in operation, as may be necessary for the protection of airport traffic.

517. No person shall fly an aircraft at a height of less than two thousand feet over an aerodrome except for the purpose of landing or taking off or except as otherwise directed by an air traffic control unit.

518. No aircraft shall be flown in such proximity to any other aircraft as to create a collision hazard.

519. No aircraft shall be flown in formation except by pre-arrangement between the pilots-in-command of such

aircraft and, within any control zone, between the pilots-in-command of such aircraft and the appropriate air traffic control unit.

520. When two aircraft are on converging courses at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows:

- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons;
- (d) power-driven aircraft shall give way to aircraft that are seen to be towing aircraft or other objects.

521. The aircraft that has the right-of-way shall maintain its course and speed, but nothing in this Part relieves the pilot-in-command of any aircraft from the responsibility of taking such action as is necessary to avoid collision; any aircraft that is required to keep out of the way of another shall avoid passing over or under, or crossing, ahead of the other unless passing or crossing well clear of it.

522. When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its course to the right.

523. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from the obligation so to alter its course until it is entirely past and clear of the other.

524. Aircraft in flight or manœuvring on the ground or water shall give way to other aircraft landing or about to land.

525. Where two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing

the aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the latter shall not take advantage of this requirement to manoeuvre in front of another aircraft that is about to land, or to overtake that aircraft; power-driven heavier-than-air aircraft shall give way to gliders where both such aircraft are approaching an airport for the purpose of landing.

526. No aircraft shall take off or attempt to take off until such time as there is no apparent risk of collision with any other aircraft.

527. Where the pilot-in-command of an aircraft is aware that another aircraft is compelled to land, he shall give way to such other aircraft.

528. Where the pilot-in-command of an aircraft declares that an emergency situation exists as a result of which it is necessary for the appropriate air traffic control unit to give priority to such aircraft, the pilot-in-command shall make a full report of the situation to such air traffic control unit within forty-eight hours thereafter.

529. Except when taking off or landing or except as specifically authorized by the Minister, aircraft shall not be flown

- (a) over the built-up areas of cities, towns or other settlements or over an open-air assembly of persons, except at altitudes that will permit, in the event of an emergency, the landing of the aircraft without undue hazard to persons or property on the surface; such altitudes shall not in any case be less than one thousand feet above the highest obstacle within a horizontal radius of two thousand feet from the aircraft; and
- (b) elsewhere than over any area mentioned in paragraph (a), except at altitudes of not less than five hundred feet above the surface of the ground or water, unless such flight may be made without undue hazard to persons or property on the surface.

530. An aircraft in level cruising flight at one thousand feet or more above the surfaces of the ground or water shall maintain the following cruising altitudes:

- (a) within controlled airspace, such altitude appropriate to the direction of flight as is prescribed by the Minister; and
- (b) elsewhere than within controlled airspace, such altitude appropriate to the magnetic track as is prescribed by the Minister.

531. The pilot-in-command of an aircraft on the water shall,

- (a) when on the waters of the Great Lakes, their connecting and tributary waters and on the Ottawa and St. Lawrence rivers and their tributaries as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, comply with the "Rules of the Road for the Great Lakes" established pursuant to the *Canada Shipping Act*; and
- (b) when on any other inland waters in Canada or on the high seas, comply with the "Regulations for Preventing Collisions at Sea" established pursuant to that Act.

532. (1) When two aircraft or an aircraft and a vessel are approaching one another on the water and there is a risk of collision, the aircraft in question shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(2) An aircraft on the water that has another aircraft or a vessel on its right shall give way so as to keep well clear.

(3) An aircraft on the water approaching another aircraft or a vessel head-on, or approximately so, shall alter its heading to the right so as to keep well clear.

(4) The aircraft or vessel on the water that is being overtaken has the right of way, and the one overtaking shall alter its heading to keep well clear.

(5) Aircraft landing on or taking off from the water shall, insofar as practicable, keep well clear of all vessels and avoid impeding their navigation.

533. By night, at airports used or available for night flying, aircraft parked or being moved on the manoeuvring area or in proximity thereto shall be clearly illuminated or lighted, or the area that they occupy marked with obstruction lights; between sunset and sunrise an aircraft on the water and not under way shall display where it can best be seen a white light visible in all directions on the horizon at a distance of at least one mile unless within any area specifically exempted by the Minister.

534. The pilot-in-command of any aircraft shall, in accordance with any direction of the Minister in that behalf,

- (a) submit a flight plan to the appropriate air traffic control unit prior to the commencement of any VFR flight; and
- (b) submit a flight notification to a responsible person prior to the commencement of any flight for which no flight plan is required by these regulations.

535. No person shall knowingly submit any flight plan or flight notification as required by these regulations that contains any false or misleading statement or matter, or that is calculated to deceive any person to whom it is so required to be submitted.

536. Where any flight is made in deviation from a VFR flight plan or a flight notification, the pilot-in-command of the aircraft shall, as soon as practicable, notify the person or agency with whom the flight plan or flight notification was filed of such deviation.

537. The pilot-in-command of an aircraft for which a VFR flight plan or a flight notification has been filed shall report his arrival, as soon as possible after landing, to the person or agency with whom the flight plan or flight notification was filed, unless such person or agency was previously notified that no arrival report would be filed.

538. No single-engined landplane shall be operated on a commercial air service over water beyond gliding distance from shore except as authorized by the Minister, nor shall any flight be commenced in any single-engined

aircraft with intent that the flight should be a trans-oceanic flight; multi-engined landplanes unable to maintain flight in the event of failure of the critical engine shall be deemed to be single-engined landplanes for the purpose of this section.

DIVISION III

VISUAL FLIGHT RULES (VFR)

539. In controlled airspace no flight being made in accordance with the visual flight rules shall be continued in accordance with the instrument flight rules except with the authority of the appropriate air traffic control unit.

540. When operated in accordance with the visual flight rules, aircraft shall be flown with visual reference to the ground or water unless otherwise authorized by the appropriate air traffic control unit in accordance with any directions of the Minister in that behalf.

541. VFR flights within controlled airspace and elsewhere shall be made in accordance with such VFR flight minima as may be directed by the Minister.

542. The amount of fuel and oil carried on board any aircraft at the commencement of any VFR flight shall be sufficient, anticipated wind and other weather conditions having been considered, to fly to the place of intended landing and thereafter for forty-five minutes at normal cruising speed.

543. No aircraft shall be flown under simulated instrument flight conditions unless,

- (a) the aircraft is equipped with fully functioning dual controls; and
- (b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument flight conditions; the safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which his field of vision adequately supplements that of the safety pilot.

DIVISION IV

INSTRUMENT FLIGHT RULES (IFR)

544. In controlled airspace all flights being made in accordance with the instrument flight rules shall continue in accordance with the instrument flight rules, regardless of weather conditions, unless and until such time as the appropriate air traffic control unit is notified to the contrary.

545. The pilot-in-command of an aircraft may elect to conduct a flight under the instrument flight rules in conditions of visibility and distance from cloud equal to or better than VFR minima.

546. For the purposes of any IFR flight,

- (a) the pilot of the aircraft shall possess such special qualifications as may be directed by the Minister; and
- (b) the aircraft shall be equipped with such instruments and radio apparatus as may be directed by the Minister.

547. (1) Except as directed by the Minister, no IFR flight shall be commenced unless, wind and other anticipated meteorological conditions having been considered, sufficient fuel and oil are carried to fly to the airport of intended landing, thence to an alternate airport and thereafter for forty-five minutes at normal cruising speed.

(2) The provisions of subsection (1) respecting alternate airports do not apply to flights confined to areas in the vicinity of an airport.

548. Where there are indications that traffic delays may be encountered, such quantities of fuel and oil as may be necessary in addition to the minima required by this Division shall be carried to meet such conditions.

549. The weather operating minima in respect of any airport as specified in the "Canada Air Pilot" issued under the authority of the Minister or elsewhere specified and duly approved by the Minister, apply in respect of all landings and take-offs made in accordance with the instrument flight rules at that airport.

550. Except when taking off or landing, or except as specifically authorized by the Minister, aircraft in IFR flight shall not be flown except at altitudes of at least one thousand feet above the highest obstacle located within a horizontal radius of five miles from the estimated position of the aircraft in flight, but the Minister may direct that flights over any area specified by him shall not be conducted except at such higher minima altitude as may be specified by him.

551. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, a flight plan for the flight containing such information as may be specified by the Minister shall be submitted by the pilot-in-command of the aircraft to the appropriate air traffic control unit.

(2) Except as otherwise authorized by the Minister, no IFR flight shall be made in controlled airspace unless the flight plan as submitted includes an alternate airport having a landing area suitable for use by the aircraft in question.

(3) A particular alternate airport shall be included in the flight plan only when current forecasts show a trend indicating that the ceiling and visibility at that alternate airport will, at the expected time of arrival, be at or above such minima as may be specified by the Minister.

552. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, an air traffic control clearance based on the flight plan shall be obtained from the appropriate air traffic control unit, and the aircraft shall be flown in accordance with such clearance, and, unless otherwise authorized by the appropriate air traffic control unit, shall follow the instrument approach procedures approved for the airport to be used.

(2) No deviations shall be made from the requirements of any air traffic control clearance except in an emergency that necessitates immediate action, in which case, as soon as possible after any action has been taken in connection

with such emergency, the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation and, if necessary, obtain an amended clearance.

553. (1) Subject to subsection (2), no aircraft shall be flown in accordance with the instrument flight rules within controlled airspace unless a continuous listening watch is maintained on the appropriate radio frequency of the air traffic control unit concerned and two-way communication is established therewith.

(2) If unable to maintain two-way radio communication as required by subsection (1), the pilot-in-command of the aircraft shall comply with such alternative procedures as may be directed by the Minister.

554. (1) During IFR flight, position reports to the appropriate air traffic control unit shall be made over such reporting points as are designated by the Minister and over such other reporting points as are specified by the appropriate air traffic control unit; in the absence of reporting points designated by the Minister, position reports to the air traffic control unit shall be made at such intervals and at such locations as are specified by such unit.

(2) All position reports required by subsection (1) shall contain such information and shall be made in such manner as may be directed by the Minister.

555. IFR flights shall be made at the following cruising altitudes:

- (a) within controlled airspace, at an altitude approved by the appropriate air traffic control unit; and
- (b) elsewhere, subject to this Part, at such altitude above sea level appropriate to the magnetic track as may be directed by the Minister.

556. The pilot-in-command of an aircraft making an IFR flight for which a flight plan has been submitted shall report his arrival to the appropriate air traffic control unit as soon as possible after landing.

DIVISION V

LIGHTS AND VISUAL SIGNALS

557. In this Division, "visible", in relation to any light or signal, means visible on a dark night in a clear atmosphere.

558. (1) By night all heavier-than-air aircraft in flight or manœuvring on the ground and between sunset and sunrise all aircraft under way on the water shall display the following lights:

- (a) a forward red light displayed on the left side and a forward green light on the right side, either steady or flashing, each showing an unobstructed light between two vertical planes whose dihedral angle is 110° when measured to the left and right respectively of the aircraft from dead ahead; such forward lights shall be spaced laterally as far apart as practicable and shall be visible at a distance of at least five miles; and
- (b) a rear steady white light, or flashing white, or alternating white and red, displayed as far aft as possible, showing between two vertical planes a light visible aft throughout a dihedral angle of 140° bisected by a vertical plane through the longitudinal axis of the aircraft, such light to be visible at a distance of at least three miles.

(2) By night all aircraft, other than heavier-than-air aircraft, in flight or manœuvring on the ground and between sunset and sunrise all seaplanes and other amphibian aircraft on the surface of the water but not under way shall display such lights as may be prescribed by the Minister.

(2a) Aircraft carrying passengers by night shall be equipped with a functioning landing light or landing lights.

(3) No lights other than those prescribed by this section shall be displayed by any aircraft that might be mistaken for the lights so prescribed.

559. Distress and urgency signals shall be given in accordance with such directions as may be issued by the Minister, but nothing in this section shall be held to prevent the use by a member of the flight crew of an aircraft in distress of any means at his disposal to attract attention and to make known the position of the aircraft and obtain help.

560. No light signal or ground marking for the control of air traffic shall be given or displayed at any airport except by the appropriate air traffic control unit or, if no such unit is in operation, by a person thereto authorized by the Minister, and no such signal or marking shall be given or displayed except as prescribed by section 561.

561. (1) Directional light signals to aircraft in flight shall be given as follows:

- (a) a steady green light means "CLEARED TO LAND";
- (b) a steady red light means "GIVE WAY TO OTHER AIRCRAFT AND CONTINUE CIRCLING";
- (c) a series of green flashes means "RETURN FOR LANDING", and shall be followed at the proper time by a steady green light; and
- (d) a series of red flashes means "AIRPORT UNSAFE; DO NOT LAND".

(2) Directional light signals to aircraft on the manœuvring area of an aerodrome shall be given as follows:

- (a) a steady green light means "CLEARED FOR TAKE-OFF";
- (b) a steady red light means "STOP";
- (c) a series of green flashes means "CLEARED TO TAXI";
- (d) a series of red flashes means "TAXI CLEAR OF LANDING AREA IN USE"; and
- (e) a flashing white light means "RETURN TO STARTING POINT ON AIRPORT".

(3) The firing of a red pyrotechnical light, whether by day or night and notwithstanding any previous instruction, means "DO NOT LAND FOR THE TIME BEING".

(4) By day or by night a series of projectiles discharged at intervals of ten seconds, each showing on bursting, red and green lights or stars, means: "YOU ARE IN THE VICINITY OF A PROHIBITED DANGER OR RESTRICTED AREA, ALTER COURSE".

(5) Ground markings displayed for the control of air traffic at any aerodrome or other area on the land or water shall be in accordance with such directions as may be issued by the Minister.

562. The pilot-in-command of an aircraft in respect of which any light signal or ground marking is given or displayed as prescribed by section 561 shall comply with such signal or marking according to its meaning.

PART VI

AIR TRAFFIC CONTROL

300. The Minister may, subject to these regulations, make such directions as he deems necessary.

(a) respecting the provision of air traffic control service within such portions of the airspace and at such airports as may be specified by him; and
(b) respecting the standards and procedures to be followed in the operation of any air traffic control service or any air traffic control unit.

301. Any person who is engaged in the operation of an aircraft in the airspace or at an airport in which a duty to forward information is imposed by him to an air traffic control unit shall immediately forward such information as soon thereafter as practicable, forward such information to the appropriate air traffic control unit.

PART VI

AIR TRAFFIC CONTROL

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- (a) respecting the provision of air traffic control service within such portions of the airspace and at such airports as may be specified by him; and
- (b) respecting the standards and procedures to be followed in the operation of any air traffic control service or any air traffic control unit.

601. Any person who, by virtue of his employment in association with the movement of air traffic, is under a duty to forward information received by him to an appropriate air traffic control unit shall, immediately upon receipt of the information or as soon thereafter as possible, forward such information to the appropriate air traffic control unit.

THE AIR REGULATIONS

PART VII

COMMERCIAL AIR SERVICE OPERATIONS

PART VII**COMMERCIAL AIR SERVICE OPERATIONS**

700. No person shall operate in Canada any commercial air service unless he holds a valid and subsisting certificate issued by the Minister certifying that the holder thereof is adequately equipped and able to conduct a safe operation as an air carrier over a prescribed route or in a prescribed area.

701. Every certificate issued under this Part shall be in such form as the Minister prescribes and shall contain such special terms and conditions for the safe and proper operation of the service as the Minister deems necessary.

702. Subject to these regulations, no person shall operate any commercial air service except in accordance with such standards for the safe and proper operation of the service as may be prescribed by the Minister.

703. A certificate issued under this Part may be suspended or cancelled by the Minister in the event of the failure of the person to whom it is issued to conduct the service in a safe and proper manner or to maintain the equipment required in connection with the operation of the service.

704. Every owner of a commercial aircraft shall make such returns and furnish such particulars to the Minister in connection with the aircraft as the Minister may prescribe.

705. The Minister may at any time inspect and examine the premises, aircraft and other equipment belonging to or used in connection with any commercial air service and may make such inquiries into the manner of conducting any commercial air service as he deems necessary for purposes of this Part.

706. (1) In this part, "farming" includes tillage of the soil, livestock raising, raising of poultry, dairy farming and fruit growing, but does not include an office or employment under a person engaged in the business of farming.

(2) A person whose chief source of income is from farming is exempted from the provisions of this Part, if

- (a) he owns an aircraft having a disposable load not exceeding 1,100 pounds,
- (b) he engages in aerial spraying or dusting for hire and reward within an area having a radius of twenty-five miles from the centre of his farm, and
- (c) he complies with such conditions and limitations as may be directed by the Minister.

THE AIR REGULATIONS

PART VIII

GENERAL

DIVISION I. Miscellaneous Provisions.

DIVISION II. Certificates, Licences, Manuals, Logs and Records.

DIVISION III. Accidents and Boards of Inquiry.

DIVISION IV. Transitional and Other Provisions.

PART VIII

DIVISION I

MISCELLANEOUS PROVISIONS

800. (1) Explosives and other dangerous articles or substances shall not be carried on board any aircraft except as authorized by the Minister.

(2) No person shall send or take upon an aircraft any explosives or other dangerous articles or substances without distinctly marking their nature on the outside of the containers thereof or otherwise giving notice thereof to the person in charge of the aircraft, or the person whose duty it is to receive such goods on board.

(3) No aircraft carrying explosives or other dangerous articles or substances shall carry any passenger other than the owner of such goods or his accredited representative.

(4) Subsection (3) does not apply in respect of ammunition ordinarily used for hunting or sporting purposes or as emergency equipment, and subsections (1) to (3) do not apply in respect of explosives or other dangerous articles or substances necessary for the operation of the aircraft or for the safety of crew members or passengers on board.

801. The engine or engines of any aircraft shall not be started unless the pilot's seat is occupied by a person competent to control the aircraft or unless the aircraft is prevented from moving forward, and the engines shall not be left running unless the pilot's seat is occupied by a person competent to control the aircraft.

802. No aircraft carrying passengers shall take off or land by night at an unlighted aerodrome.

803. (1) The pilot-in-command of an aircraft who is given a signal to land, in a form prescribed by the Minister, or given any instruction to land shall, subject to any direction given by any air traffic control unit, forthwith land the aircraft in accordance with the signal or instruction.

(2) For the purposes of subsection (1), a signal or instruction to land may be given by a peace officer, an officer of customs or immigration, an officer of the Royal Canadian Air Force acting within the scope of his duty or any person thereto authorized by the Minister.

(3) No person shall give any signal or instruction to land as provided in subsection (1) without good and sufficient cause, and for the purposes of any prosecution for a contravention of the provisions of this subsection the onus of proof that he had such good and sufficient cause is on the person accused of such contravention.

804. The owner or operator of an aircraft shall, upon notice by mail to his registered address given by the Minister, advise the Minister as to where the aircraft is then stationed and whether or not it is then in a serviceable condition.

805. The owner or operator of any aircraft shall, upon reasonable notice given to him by the Minister, make available such aircraft for inspection in accordance with the notice.

806. Every person who

- (a) is the holder of any licence, certificate or permit issued under these regulations;
- (b) is the owner, operator or pilot-in-command of any aircraft in respect of which any certificate, log book or other document is kept; or
- (c) has in his possession any licence, certificate or permit issued under these regulations or any log book or other document relating to any aircraft or commercial air service;

shall, upon demand,

- (d) produce the licence, certificate, permit, log book or other document, as the case may be, for inspection by a peace officer, officer of customs or immigration or any person thereto authorized by the Minister; or
- (e) surrender the licence, certificate, permit, log book or other document, as the case may be, to a peace

officer or any person thereto authorized by the Minister.

807. Where any licence, certificate, permit or other document issued under these Regulations has been cancelled or suspended, the person to whom it was issued shall forthwith return it to the Minister.

808. The Minister may withhold the issue of any licence, certificate, permit or other document under these regulations if, in his opinion, the issue thereof is not in the public interest.

809. (1) No person shall knowingly

- (a) use, deal with or act upon any licence, certificate, permit or other document issued under these regulations that has been cancelled or suspended, or to which he is not by these regulations entitled;
- (b) lend any licence, certificate, permit or other document issued under these regulations to any person who is not by these regulations entitled thereto, or allow the same to be used by any such person; or
- (c) make, assist in making or procure the making of any false representations for the purpose of obtaining for himself or any other person the issue of any document mentioned in paragraph (b).

(2) No person shall knowingly mutilate, alter or render illegible any log book or any entry made therein, or make, procure or assist in the making of, any false entry in, or omission from, any log book, nor shall any person knowingly destroy any log book during the period for which it is required by these regulations to be kept.

810. (Revoked by SOR/56-365)

811. Where the Minister has reason to believe, upon complaint or otherwise, that an aircraft within Canada is intended or is about to proceed upon a flight in contravention of these regulations or while in a condition unfit for flight, he may make such directions and take such action by way of the provisional detention of the

aircraft or otherwise as he deems necessary, for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be detained until such time as he is satisfied that the regulations are being complied with or until such alterations or repairs as he deems necessary to render the aircraft fit for flying have been made.

812. No person shall wilfully obstruct or impede any person in the execution of his powers or duties under these regulations.

813. Neglect on the part of any person to whom any licence, certificate or permit has been issued under these regulations of any precaution that may be required by the ordinary practice of the air or by the special circumstances of the case, or the contravention of these regulations or any direction of the Minister thereunder by any such person is cause for the suspension of such licence, certificate or permit.

814. Failure on the part of any person to whom any licence, certificate or permit has been issued under these regulations to observe or comply with the conditions upon which such licence, certificate or permit was issued shall be deemed to constitute a contravention of these regulations by such person.

815. Every person who

- (a) flies or manoeuvres or otherwise uses or operates any aircraft contrary to the provisions of these regulations or any direction of the Minister thereunder,
- (b) uses or operates any aerodrome contrary to the provisions referred to in paragraph (a),
- (c) is a party to any act described in paragraph (a) or (b),
- (d) is the owner or operator or the pilot-in-command of any aircraft by means of which any act described in paragraph (a) is committed, or

(e) is the operator of any aerodrome in respect of which any act described in paragraph (b) is committed, shall be deemed to have contravened the provisions so referred to unless, in any prosecution for such contravention, he establishes that the act so described took place without his knowledge or consent or that he exercised all due diligence to prevent its commission.

816. In complying with these regulations due regard shall be had to all dangers of navigation and of possible collision, and to any special circumstances rendering non-compliance therewith necessary to avoid immediate danger, and in any prosecution for a contravention of these regulations or any direction of the Minister thereunder it is a good defence if the person in charge therewith establishes that the contravention took place due to stress of weather or other unavoidable cause as contemplated by this section.

817. Nothing in these regulations shall be held to relieve the owner, operator or flight crew member of an aircraft of the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of neglect of any precaution that is required by the ordinary practice of the air or by the special circumstances of the case.

818. Before any licence, certificate or permit is first issued under these regulations, the applicant therefor shall remit to the Minister,

- (a) for a certificate of registration of an aircraft, a fee of \$5.00;
- (b) for a certificate of airworthiness of an aircraft, a fee of \$5.00;
- (bb) for a flight permit for an ultra-light or a private aircraft, a fee of \$5.00.
- (c) for an aircraft type approval, a fee of \$25.00;
- (d) for an airport licence, a fee of \$10.00; and
- (e) for any licence or permit under Part IV, a fee of \$5.00.

819. No photographic apparatus shall be installed in, nor shall any photographs be taken from any aircraft while operating in or over Canadian territory unless such aircraft is registered in Canada.

820. (1) No person shall make a photographic survey from an aircraft of features and properties of the earth over any part of Canada or the territorial waters of Canada without the permission of the Minister.

(2) Subsection (1) does not apply to a person who surveys an area owned or leased by him in an aircraft owned by him and registered as a Canadian commercial aircraft pursuant to these Regulations.

(3) The permission of the Minister referred to in subsection (1) may be given subject to such terms and conditions as the Minister may prescribe.

DIVISION II

CERTIFICATES, LICENCES, MANUALS, LOGS AND RECORDS

821. No person shall fly any aircraft unless there is carried on board the aircraft the certificate of registration, certificate of airworthiness and journey log book relating to the aircraft, the authority and licence for the equipment and working of the radio equipment, if any, and the licences or permits of all members of the flight crew of the aircraft.

822. (1) Every owner of a commercial aircraft shall keep and maintain, in a form prescribed by the Minister,

- (a) an aircraft log book and a journey log book for the aircraft;
- (b) an engine log book for each engine of the aircraft; and
- (c) a propeller log book for each propeller of the aircraft;

and shall enter or cause to be entered therein such particulars as may be specified by the Minister.

(2) The owner of a private aircraft shall keep and maintain a journey log book in a form prescribed by the Minister, and in addition, a detailed engineering history of the aircraft including a record of repairs, replacements, overhauls and modifications and shall enter or cause to be entered therein such particulars as may be specified by the Minister.

823. Entries in log books shall be made accurately and in ink as soon as possible after the events they record; entries to be made in the journey log book may first be made in a note book but shall be permanently entered within twenty-four hours after the events recorded; all entries in log books shall be made by a competent person and signed by such person, and no erasures shall be made in, nor any leaf torn from, any log book required by these regulations to be kept.

824. Every owner of an aircraft shall

- (a) preserve all log books for the aircraft or its engines or propellers for a period of not less than two years after the date of the last entry therein; and
- (b) on the first page of every log book taken into use to replace another log book, enter the last two entries from the log book so replaced.

825. In any prosecution for a contravention of these regulations or any direction of the Minister thereunder, an entry in any log book is, as against the person who made the entry and the owner and operator of the aircraft to which the log book relates, *prima facie* proof of the truth of the statements contained therein.

DIVISION III

ACCIDENTS AND BOARDS OF INQUIRY

826. (1) Where any aircraft accident occurs, the pilot-in-command and the operator of the aircraft involved shall, as soon as possible thereafter and by the quickest means of communication available, report to the Minister the date and place of the accident and such other particulars thereof as the Minister may direct.

(2) Where any aircraft is missing on a flight, the owner and the operator of the aircraft shall, by the quickest

means of communication available, notify the Minister of the fact in accordance with any direction of the Minister in that behalf.

(3) Performance by any person under a duty imposed by this section of any duty so imposed to report an aircraft accident or to notify the Minister of any aircraft missing on a flight relieves any other person under the duty so imposed of the obligation to perform such duty.

827. No aircraft involved in any accident causing death or injury to any person shall be removed or otherwise interfered with, without permission from the Minister, but the aircraft or any part thereof may be displaced or removed as may be necessary to extricate any person, to remove any mail, to prevent destruction by fire or other cause, or to avoid danger to any person or property.

828. Where any Canadian aircraft is damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot-in-command thereof shall notify the Minister forthwith, giving full particulars of such damage.

829. The Minister may constitute or authorize the constitution of Boards of Inquiry of one or more members for the purpose of investigating the circumstances of any accident or of any alleged breach of these regulations, and any Board of Inquiry so constituted shall have power to take evidence upon oath or otherwise.

830. Every person required to give evidence before a Board of Inquiry shall attend and give evidence upon being so required by writing under the hand of any member of the Board.

831. Any person who attends and gives evidence before any such Board of Inquiry is entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the superior court of the province in which such evidence is given.

DIVISION IV

TRANSITIONAL AND OTHER PROVISIONS

832. A reference in these regulations to the Minister includes, in relation to any particular power, duty or function of the Minister under these regulations, a reference to any person authorized by the Minister to exercise or perform such power, duty or function.

833. Any registration effected or, with reference to any document, any act or thing done under the authority of the provisions of The Air Regulations established by Order in Council P.C. 2575 of May 24, 1951, or of any Part, section, paragraph or other portion thereof, shall, for the purposes of these regulations, be deemed to have been effected or done, as the case may be, under the provisions of these regulations or of any Part, Division, section, subsection or other portion thereof corresponding to the provisions so referred to.

AERONAUTICS ACT

**CHAPTER 2—R.S.C. 1952
and Amendment**

Chapter 302 R.S.C. 1952

CHAPTER 2

An Act to authorize the control of Aeronautics.

SHORT TITLE

1. This Act may be cited as the *Aeronautics Act*. Short title.
R.S., c. 3, s. 1.

PART I

1944-45, c. 28, s. 1

INTERPRETATION

2. In this Part, "Minister" means the Minister of Transport or such other Minister as the Governor in Council may from time to time designate, except that in any matter relating to defence, "Minister" means the Minister of National Defence. 1950, c. 23, s. 1. "Minister" defined.

3. It is the duty of the Minister

Duties of
Minister.

- (a) to supervise all matters connected with aeronautics;
- (b) to undertake, and to co-operate with persons undertaking, such projects, technical research, study or investigation as in his opinion will promote the development of aeronautics in Canada;
- (c) to construct and maintain all Government aerodromes and air stations, including all plant machinery and buildings necessary for their efficient equipment and upkeep;
- (d) to control and manage all aircraft and equipment necessary for the conduct of any of Her Majesty's services;
- (e) to operate such services as the Governor in Council may approve;
- (f) to prescribe aerial routes;
- (g) to co-operate with other officers of Her Majesty, and to assist in the carrying out of any services under their jurisdiction

that may require aerial work of any nature, and to collaborate with the officers employed in existing air services of Her Majesty in such extension of their present work as the development of aeronautics may require;

- (h) to take such action as may be necessary to secure, by international regulation or otherwise, the rights of Her Majesty in respect of Her Government of Canada, in international air traffic;
- (i) to co-operate with the officers of his Department on all questions relating to the air defence of Canada;
- (j) to co-operate with the Air staffs or authorities of other governments or countries for any purposes pertaining to air services;
- (k) to investigate, examine and report on the operation and development of commercial air services within or partly within Canada or the limits of the territorial waters of Canada;
- (l) to consider, draft and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada or within the limits of the territorial waters of Canada and for the control or operation of aircraft registered in Canada wherever such aircraft may be; and
- (m) to perform such other duties as the Governor in Council may from time to time impose. R.S., c. 3, s. 3; 1950, c. 23, s. 2.

Powers of
Minister
to make
regulations
with
approval
of Governor
in Council.

4. (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada and the territorial waters of Canada and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the

generality of the foregoing, may make regulations with respect to

- (a) licensing pilots and other persons engaged in the navigation of aircraft, and the suspension and revocation of such licences;
- (b) the registration, identification, inspection, certification and licensing of all aircraft;
- (c) the licensing, inspection and regulation of all aerodromes and air-stations;
- (d) the conditions under which aircraft may be used or operated;
- (e) the conditions under which goods, mails and passengers may be transported in aircraft and under which any act may be performed in or from aircraft or under which aircraft may be employed;
- (f) the prohibition of navigation of aircraft over such areas as may be prescribed, either at all times or at such times or on such occasions only as may be specified in the regulation, and either absolutely or subject to such exceptions or conditions as may be so specified;
- (g) the areas within which aircraft coming from any places outside of Canada are to land, and the conditions to be complied with by any such aircraft;
- (h) aerial routes, their use and control;
- (i) the institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada or within the limits of the territorial waters of Canada and of aircraft registered in Canada wherever such aircraft may be.

- (2) Any regulation made under subsection (1) may authorize the Minister to make orders or directions with respect to such matters coming within this section as the regulations may prescribe.
- (3) Every person who violates the provisions of a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Minister
may carry
out regula-
tions by
ministerial
order or
direction.
Offence
and penalty.

Idem.

(4) Every person who violates an order or direction of the Minister made under a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. R.S., c. 3, s. 4; 1950, c. 23, s. 3.

Governor in Council may prescribe compensation payable for death or injury, directly resulting from a flight undertaken in course of duty.

5. (1) The Governor in Council may make regulations prescribing the compensation to be paid, the persons to whom, and the manner in which, such compensation shall be payable, for the death or injury resulting directly from a flight undertaken in the course of duty in the public service of Canada of any person employed in the public service of Canada, or employed under the direction of any department of the public service of Canada.

(2) Such regulations shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the said compensation, instead of the compensation, gratuity or pension under any such other Act. R.S., c. 3, s. 7.

PART II

INTERPRETATION

Definitions.

"Aircraft."

"Air carrier."

"Board."

"Commercial air service."

"Hire or reward."

6. (1) In this Part,

- (a) "aircraft" means any machine used or designed for navigation of the air;
- (b) "air carrier" means any person who operates a commercial air service;
- (c) "Board" means the Air Transport Board;
- (d) "commercial air service" means any use of aircraft in or over Canada for hire or reward;
- (e) "hire or reward" means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected for the use of an aircraft by a person who, as owner, lessee, hirer, pilot

or otherwise, has possession of or control over the aircraft or has directed the movement of the aircraft;

- (f) "Minister" means the Minister of Transport or the Minister designated by the Governor in Council under section 2. "Minister".

(2) This Part does not apply to aircraft that are used by Her Majesty's Forces or by any armed forces co-operating with Her Majesty's Forces and bear the insignia or markings of Her Majesty's Forces or any such forces. 1944-45, c. 28, s. 6; 1945, c. 9, s. 1; 1950, c. 23, s. 4. Application.

7. (1) There shall be a board to be known as the Air Transport Board consisting of three members appointed by the Governor in Council. Air Transport Board.

(2) The members shall hold office during good behaviour for a period of ten years, but may be removed at any time for cause by the Governor in Council and the members first appointed shall be appointed for periods of ten, seven and four years respectively. Term of office.

(3) Any retiring member is eligible for re-appointment. Re-appointment.

(4) Each member shall be paid such sum for his services as the Governor in Council may from time to time determine. Payment of services.

(5) The Governor in Council shall designate one of the members to be chairman of the Board. Chairman.

(6) If any member of the Board by reason of absence or other incapacity is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe. Substitutes.

(7) No member of the Board shall either directly or indirectly engage in manufacturing or selling aircraft or in the transport of goods or passengers by aircraft for hire or reward and no member of the Board shall be a shareholder, member, director or partner of any company, association or firm engaged in manufacturing or selling aircraft or in the transport of goods or passengers by aircraft for hire or reward. Independence of members of the Board.

- Quorum.** (8) Two members of the Board constitute a quorum.
- Vacancies.** (9) No vacancy on the Board impairs the authority of the remaining members to act. 1944-45, c. 28, s. 6; 1945, c. 9, s. 2.
- Jurisdiction.** 8. (1) The Board has full jurisdiction to inquire into, hear and determine any matter
- Inquiries.** (a) where it appears to the Board that any person has failed to do any act, matter or thing required to be done by this Act or by any regulation, licence, permit, order or direction made thereunder by the Board, or that any person has done or is doing any act, matter or thing contrary to or in violation of this Part, or any such regulation, licence, permit, order or direction, or
- (b) where it appears to the Board that the circumstances may require the Board, in the public interest, to make any order or give any direction, leave, sanction or approval that by law it is authorized to make or give, or with respect to any matter, act, or thing that by this Part or any such regulation, licence, permit, order or direction is prohibited, sanctioned or required to be done.
- Mandatory orders.** (2) The Board may order and require any person to do, forthwith, or within or at any specified time and in any manner prescribed by the Board so far as it is not inconsistent with this Act, any act, matter or thing that such person is or may be required to do under this Part, or any regulation, licence, permit, order or direction made thereunder by the Board and may forbid the doing or continuing of any act, matter or thing that is contrary to this Part or any such regulation, licence, permit, order or direction and, for the purposes of this section, has full jurisdiction to hear and determine all matters, whether of law or fact.
- Powers of a court.** (3) The Board shall, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry of and inspection of pro-

perty and other matters necessary or proper for the due exercise of its jurisdiction, have all such powers, rights and privileges as are vested in a superior court of record.

(4) Any decision or order made by the Board may, for the purpose of enforcement thereof, be made a rule order or decree of the Exchequer Court or of any superior court of any province of Canada and shall be enforced in like manner as any rule, order or decree of such court.

Enforcement
of Board
orders.

(5) To make a decision or order of the Board a rule, order or decree of any such court, the practice and procedure authorized by section 50 of the *Railway Act* may be followed with such variations as circumstances may require. 1945, c. 9, s. 3; 1950, c. 23, s. 5.

Practice and
procedure.

9. (1) The Board may order that any person resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to the Board, or any member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents, or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof.

Witnesses
and
evidence.

(2) No person is compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose, and every person attending pursuant to subpoena is, in the discretion of the Minister or the Board, entitled to receive fees and allowances as if summoned to appear before the Exchequer Court.

(3) The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. 1945, c. 9, s. 3.

Commissions
to take
evidence in
foreign
countries.

Rules of
the Board.

10. The Board may make rules for the regulation of its proceedings and the performance of its functions and duties under this Act. 1944-45, c. 28, s. 6.

Investigation and
surveys.

11. Subject to the directions of the Minister, the Board shall from time to time make investigations and surveys relating to the operation and development of commercial air services in Canada and relating to such other matters in connection with civil aviation as the Minister may direct. 1944-45, c. 28, s. 6.

Recommendations.

12. The Board shall from time to time make recommendations to the Minister with reference to any investigation or survey made by it and shall advise the Minister in the exercise of his duties and powers under this Act in all matters relating to civil aviation. 1944-45, c. 28, s. 6.

Regulations.

13. Subject to the approval of the Governor in Council, the Board may make regulations:

- (a) requiring air carriers to file with the Board returns with respect to their capital, traffic, equipment, working expenditure and any other matters relating to the operation of commercial air services;
- (b) requiring any person to furnish information respecting ownership, transfer, consolidation, merger or lease or any proposed transfer, consolidation, merger or lease of commercial air services;
- (c) requiring copies of agreements respecting any such consolidation, merger, lease or transfer, copies of mail contracts and proposed mail contracts and copies of agreements affecting commercial air services to be filed with the Board;
- (d) establishing classifications or groups of air carriers or commercial air services;
- (e) prohibiting the transfer, consolidation, merger or lease of commercial air services except subject to such conditions as may by such regulations be prescribed;
- (f) excluding from the operation of the whole or any part of this Part or any regulation,

order or direction made or issued pursuant thereto, any air carrier or commercial air service or class or group of air carriers or commercial air services;

- (g) prescribing fees for licences to operate commercial air services and requiring applicants for such licences to furnish information respecting their financial position, their relation to other air carriers, the nature of the proposed routes, the proposed tariffs of tolls and such other matters as the Board may consider advisable;
- (h) prescribing forms for the purposes of this Part;
- (i) respecting traffic, tolls and tariffs, and providing for the disallowance or suspension of any tariff or toll by the Board, the substitution of a tariff or toll satisfactory to the Board or the prescription by the Board of other tariffs or tolls in lieu of the tariffs or tolls so disallowed;
- (j) respecting the manner and extent to which any regulations with respect to traffic, tolls or tariffs shall apply to any air carrier licensed by the Board or to any person operating an international air service pursuant to any international agreement or convention relating to civil aviation to which Canada is a party;
- (k) prescribing the term of the licence and providing for renewal thereof;
- (l) prescribing maximum hours and other working conditions for pilots and co-pilots employed by any air carrier;
- (m) prescribing forms of accounts and records to be kept by air carriers, and providing for access by the Board to such records;
- (n) prescribing penalties, enforceable on summary conviction, for
 - (i) contravention of or failure to comply with this Part or any such regulations or any direction or order made by the Board pursuant to this Act or such regulations.

Penalties.

- (ii) making any false statement or furnishing false information to or for the use or information of the Board, or
- (iii) making any false statement or furnishing false information when required to make a statement or furnish information pursuant to any regulation, direction or order of the Board.

but such penalties shall not exceed a fine of five thousand dollars or imprisonment for six months, or both such fine and such imprisonment; and

- (o) providing for the effective carrying out of the provisions of this Part. 1944-45, c. 28, s. 6; 1945, c. 9, s. 5; 1950, c. 23, s. 6.

Free and reduced rate transportation.

14. Notwithstanding any previous contract or commitment or any other general or special Act or provision, no air carrier shall issue free or reduced rate transportation except with the approval in writing of the Board and under such terms, conditions and forms as the Board may direct. 1945, c. 9, s. 6.

Licences.

15. (1) Subject to the approval of the Minister, the Board may issue to any person applying therefor a licence to operate a commercial air service.

Not to be issued to persons engaged in other than aircraft transport.

(2) No such licence shall be issued in respect of a commercial air service, owned, leased, controlled or operated by any person who is engaged in the transport of goods or passengers for hire or reward by means other than aircraft unless the Governor in Council is of opinion that it is in the public interest that such licence be issued.

Only in case of public convenience and necessity.
Exception.

(3) The Board shall not issue any such licence unless it is satisfied that the proposed commercial air service is and will be required by the present and future public convenience and necessity.

(4) The Board may exempt from the operation of the whole or any part of subsection (3), any air carrier or commercial air service or any class or group thereof, except a scheduled commercial air service operating wholly within Canada or the operator thereof either generally or for a limited period or in respect of a limited area, if in the

opinion of the Board such exemption is in the public interest.

(5) Notwithstanding the issue of a licence under subsection (1), no air carrier shall operate a commercial air service unless he holds a valid and subsisting certificate issued to him by the Minister certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier over the prescribed route or in the prescribed area. Operating certificate necessary

(6) In issuing any licence, the Board may prescribe the routes that may be followed or the areas to be served and may attach to the licence such conditions as the Board may consider necessary or desirable in the public interest, and, without limiting the generality of the foregoing, the Board may impose conditions respecting schedules, places of call, carriage of passengers and freight, insurance, and, subject to the *Post Office Act*, the carriage of mail. Routes and conditions

(7) The Board shall upon application grant to Trans-Canada Air Lines a licence to operate a commercial air service under such terms and subject to such conditions as will enable Trans-Canada Air Lines to perform any agreement made, under section 15 or 24 of the *Trans-Canada Air Lines Act*, between the Minister of Transport and Trans-Canada Air Lines or between the Minister of Transport and any corporation created under section 19 of that Act. Licence to T.C.A.

(8) The Board may issue a licence that differs from the licence applied for and may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Board, public convenience and necessity so requires. Suspension, cancellation or amendment.

(9) Where the Board suspends, cancels or amends a licence or any part thereof, refuses to issue a licence applied for, or attaches conditions to which the applicant objects, an appeal may be made to the Minister. Appeals to the Minister.

(10) Where in the opinion of the Board, an air carrier has violated any of the conditions attached to his licence the Board may cancel or suspend the licence. Cancellation or suspension of licence.

- Appeal.** (11) Any air carrier whose licence has been so cancelled or suspended may appeal to the Minister.
- Rules as to appeals.** (12) The Board may make rules limiting the time and prescribing the manner in which appeals to the Minister may be made. 1944-45, c. 28, s. 6; 1945, c. 9, s. 9; 1950, c. 23, s. 7.
- No operation without licence.** 16. (1) No person shall operate a commercial air service unless he holds a valid and subsisting licence issued under section 15.
- Offence and penalty.** (2) Every person who violates subsection (1) is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.
- Penalty to directors or officers of corporation.** (3) Where a person guilty of an offence under subsection (2) is a corporation, every person who at the time of the commission of the offence was a director or officer of the corporation is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence. 1950, c. 23, s. 9.
- G. in C. may grant assistance.** 17. The Governor in Council may authorize the Minister to enter into a contract with any air carrier for the grant of such assistance, financial or otherwise, as may be specified by the Governor in Council payable out of moneys to be appropriated by Parliament for that purpose. 1944-45, c. 28, s. 6.
- Powers subject to international agreement.** 18. The powers conferred by this Part on the Board shall be exercised subject to any international agreement or convention relating to civil aviation to which Canada is a party. 1945, c. 9, s. 11.
- Appeal from Board to Supreme Court of Canada.** 19. (1) An appeal lies from the Board to the Supreme Court of Canada upon a question of jurisdiction or a question of law, or both, upon leave therefor being obtained from a judge of the Supreme Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special cir-

cumstances may allow, and upon notice to the parties and the Board, and the costs of such application are in the discretion of the judge.

(2) On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Court to certify opinion to Board and Board to order accordingly.

(3) The Court may fix the costs to be paid upon such appeals, and the rules and practice applicable to appeals from the Exchequer Court are applicable to appeals under this section. 1944-45, c. 28, s. 6.

Costs. Rules and practice.

PART III

20. Such officers, clerks and employees as may be necessary for the proper administration of this Act may be employed in the manner authorized by law. 1944-45, c. 28, s. 6.

Employment of officers, clerks and employees.

21. A civil servant who prior to or at the time of his appointment under this Act as a member of the Air Transport Board was or is a contributor under the provisions of the *Civil Service Superannuation Act* is eligible, notwithstanding the *Civil Service Superannuation Act*, to continue to be a contributor under the said Act; his service under this Act shall be counted as service in the Civil Service for the purpose of the *Civil Service Superannuation Act* and he, his widow and children, or other dependants, if any, are eligible to receive the respective allowances or gratuities provided by the said Act; and in the event of his being retired from his office or position under this Act for any reason other than that of misconduct, he is eligible to receive the same benefits under the *Civil Service Superannuation Act* as if his office or position had been abolished. 1944-45, c. 28, s. 6.

Civil Service Superannuation rights preserved.

22. All salaries mentioned herein and all expenses incurred under the provisions of this Act shall be paid out of such money as may be appropriated by Parliament therefor. 1944-45, c. 28, s. 6.

Salaries and expenses.

Prosecution
within
twelve
months.

23. A prosecution for any offence under this Act or the regulations may be commenced at any time within twelve months from the time the offence is committed. 1950, c. 23, s. 10.

Proof of
documents.

24. In any action or proceedings under this Act or the regulations

(a) any document purporting to be certified by the Secretary or Assistant Secretary of the Air Transport Board and sealed with the seal of the Board or any document purporting to be certified by the Secretary of the Department of Transport to be a true copy of any minute, decision, licence, permit, certificate, order, instruction, book of reference, book entry, or other document or any part thereof, is without proof of the signature of the Secretary or Assistant Secretary of the Board or of the Secretary of the Department of Transport, as the case may be, *prima facie* evidence of the original document of which it purports to be a copy, made, given, or issued by or by the authority of or deposited with the Minister or the Board, as the case may be, and that the same was made, given, issued or deposited at the time stated in the certificate, if a time is stated therein, and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed as shown or appearing from such certified copy, and

(b) a certificate purporting to be signed by the Secretary or Assistant Secretary of the Air Transport Board and sealed with the seal of the Board or a certificate purporting to be signed by the Secretary of the Department of Transport, stating that a valid and subsisting licence, permit, certificate or other document of authorization under this Act or any regulation made thereunder, has or has not been issued by the Minister or the Board, as the case may be, to a person or persons named in the

said certificate, is *prima facie* evidence of the facts therein stated, without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof. 1950, c. 23, s. 10.

CHAPTER 302.

An Act to amend the Aeronautics Act.

1. (1) Subsection (1) of section 4 of the *Aeronautics Act*, chapter 2 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following paragraph:

Powers of Minister to make regulations with approval of Governor in Council.

“(j) the height, use and location of buildings, structures and objects, including objects of natural growth, situated on lands adjacent to or in the vicinity of airports, for purposes relating to navigation of aircraft and use and operation of airports, and including, for such purposes, regulations restricting, regulating or prohibiting the doing of anything or the suffering of anything to be done on any such lands, or the construction or use of any such building, structure or object.”

(2) Section 4 of the said Act is further amended by adding thereto the following subsections:

“(5) In addition to any other mode of publication prescribed by law, a copy of every regulation made under the authority of paragraph (j) of subsection (1), (in this section called a “zoning regulation”), shall be published in two successive issues of at least two newspapers serving the area wherein the airport in relation to which the regulation was made is situated.

Publication of zoning regulations.

(6) A plan and description of the lands affected by a zoning regulation shall be signed and deposited in the same manner as a plan and description is by subsection (1) of section 9 of the *Expropriation Act* required to be signed and deposited, and a copy of the regulation shall be deposited with the plan and description.

Deposit of plan and description of lands affected.

Amendments. (7) Where a regulation deposited as required by subsection (6) is amended, a copy of the amendment shall be deposited in the same office where the regulation amended thereby was deposited, but a further plan and description need not be deposited unless additional lands are affected by the amendment.

Compensation. (8) Every person whose property is injuriously affected by the operation of a zoning regulation is entitled to recover from Her Majesty, as compensation, the amount, if any, by which the property was decreased in value by the enactment of the regulation, minus an amount equal to any increase in the value of the property that occurred after the claimant became the owner thereof and is attributable to the airport.

Time-limit. (9) No proceedings to recover any compensation to which a person may be entitled under subsection (8) by reason of the operation of a zoning regulation shall be brought except within two years after a copy of the regulation was deposited pursuant to subsection (6) or (7)."

